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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,418	12/20/2001	Bruno Landais	Q67767	4979

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EXAMINER

ROBERTS, BRIAN S

ART UNIT PAPER NUMBER

2662

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/022,418	<b>Applicant(s)</b> LANDAIS, BRUNO	
	<b>Examiner</b> Brian Roberts	<b>Art Unit</b> 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/07/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- Claims 1-13 have been examined.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- In reference to claim 9

The specification does not describe how the mobile station identity information has already been communicated to the network in the context of a downlink transfer of data already set up. What entities was the downlink transfer between? Conventionally, a downlink connection is a network transmitting to a mobile station.

- In reference to claim 10

Claim 10 is rejected as being dependent on claim 9.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 1 and 11

It is unclear whether the "information" is "mobile station identity information", "radio access capacity information" or both.

- In reference to claim 5 and 8

Claims 5 and 8 recite the limitation "said system". There is insufficient antecedent basis for this limitation in the claim.

- In reference to claims 2-4, 6-7, 10, and 12-13

Claims 2-4, 6-7, 10, and 12-13 are rejected as being dependent on claim

1.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before

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the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 11 and 13, as best understood, are rejected under 35

U.S.C. 102(e) as being anticipated by Alperovich et al. (US 6249676)

- In reference to claim 1 and 11

In Figure 7, Alperovich et al. teaches a system and method where a MSC/VLR fetches classmark information (radio access capacity information) from a mobile subscriber if the MSC/VLR does not already having the subscriber data (mobile station identity information) that the MSC/VLR fetched from the HLR.

- In reference to claim 2 and 3

In Figure 6 and 7, Alperovich et al. teaches a system and method where the subscriber data from the HLR includes data for managing the uplink direction. The subscriber data is transmitted in the uplink direction with data.

- In reference to claim 13

Alperovich further teaches a mobile station (608) with means for receiving a request to communicate classmark information (radio access capacity information) and means for transmitting classmark information.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. (US 6249676) in view of Lintulampi et al. (US 6747962)

- In reference to claim 4-10

Alperovich et al. further teaches a system and method that covers substantially all limitations of the parent claim.

Alperovich et al. does not teach communicating the request in a PACKET UPLINK ACK/NACK message.

In Figure 4, Lintulampi et al. teaches a GPRS system with PACKET UPLINK ACK/NACK message and a PACKET UPLINK ASSIGNMENT message containing multiple fields. (column 8-9 lines 65-34)

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the PACKET UPLINK ACK/NACK message or the PACKET UPLINK ASSIGNMENT message as taught by Lintulampi in the method that includes fetching the mobile subscriber to send the classmark information of Alperovich et al. because the fetch request could be sent in a field in either the PACKET UPLINK ACK/NACK message or the PACKET UPLINK ASSIGNMENT message instead of creating an entirely new message.

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9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. (US 6249676) in view of Hjelm et al. (US 5978368)

- In reference to claim 12

Alperovich et al. further teaches a system and method that covers substantially all limitations of the parent claim.

Alperovich does not explicitly teach the network being a GPRS network and the entity is a packet control unit.

In Figure 1, Hjelm et al. teaches a GPRS network with a packet control unit. (50)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Alperovich for use in a GPRS network with a packet control unit as taught by Hjelm et al. because the packet control unit allows the classmark information to be fetched from a mobile subscriber if the network does not have the information in a GPRS network.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Lintulampi (US 6901060) teaches a method and apparatus for multiplexing a plurality of data connections onto one temporary block flow.

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- Spartz et al. (US 5878036) teaches a wireless telecommunications system utilizing cdma radio frequency signal modulation in conjunction with the GSM a-interface telecommunications network protocol.
- Roel-Ng et al. (US 6002936) teaches system and method for informing network of terminal-based positioning method capabilities.
- Ahlstrand et al. teaches a communication system and method with the exchange of classmark information.
- Lohtia et al. (US 2002/0082033) teaches a method and apparatus for efficient packet-based communications over a wireless network.
- Einola et al. (US 6771964) teaches a method of handover between wireless telecommunication networks and the exchange of classmark information.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR  
10/07/2005

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**